



**Connecticut Department of Public Health**

**Testimony Presented Before the Public Health Committee**

**March 25, 2019**

**Commissioner Raul Pino, M.D., M.P.H.  
860-509-7101**

**Senate Bill #1035 –An Act Authorizing Deemed Status License Renewals For Certain Nonprofit Community Service Providers.**

The Department of Public Health (DPH) is opposed to Senate Bill #1035, which is described as reducing costs for certain non-profit providers by facilitating a mechanism to bypass Connecticut's regulatory licensing requirements through demonstration of accreditation from an acceptable national accrediting body whose accreditation requirements may be more stringent than the licensing requirements of the State. Thank you for the opportunity to testify on this important issue.

Pursuant to Special Act 17-21, the DPH and the Departments of Children and Families (DCF), Developmental Services (DDS) and Mental Health and Addiction Services (DMHAS) have been actively engaged with representatives of a nonprofit community provider association to streamline and standardize the process for facility licensure. The working group met several times in 2017 and submitted a report on the progress made to the Children, Government Administration and Elections, Human Services and Public Health Committees on December 31, 2017.

Even though the requirements of the Special Act were fulfilled, the working group voluntarily continues to work towards achieving greater efficiencies in the facility licensure and certification process. The group meets monthly and has established subcommittees to further explore and define future improvements, not only for the state regulatory agencies but also for providers. The DPH has staff representation on the working group and all subcommittees; in fact, two of the Department's staff lead the medication administration and initial license application and inspection subcommittees.

To date significant progress has been made, including, but not limited to: exploring electronic patient/client medical records that could be accessed remotely by the inspecting/licensing agency, thereby reducing the amount of inspection time spent in facilities; and development of a standardized initial and renewal application process that would facilitate the application processes applicable to the DPH, DCF, DDS, and DMHAS.

It is important to note that in the past, the Department conducted validation surveys at the request of the Centers for Medicare and Medicaid Services (CMS) to verify certain Accreditation

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Organization's (AO) survey findings involving providers certified with the CMS. The DPH conducts several of these types of surveys annually and, in many cases, the Department has identified significant deficiencies that the accreditation survey/organization did not. As an example, recently a survey conducted by an AO failed to identify significant infection control findings that shortly thereafter were identified by the DPH during the validation survey. This causes the Department to pause and examine the reliability and quality of certain accreditation organizations. Additionally, accrediting organizations do not have any investigatory or enforcement powers, and do not have the authority to address complaints or non-compliance should they be identified.

While the bill as proposed directs the Department to develop regulations that shall list any national accrediting organization that the DPH finds to have standards that are more or at least as stringent as state requirements, this review could not be done within existing resources. Currently, CMS does the certification for Accrediting Organizations for ambulatory surgery centers, hospitals, outpatient physical therapy centers and home health organizations. They have several full time staff that specifically review the criteria for this type of facility. However, CMS does not have authority over outpatient clinics, substance use and mental health facilities.

Additionally, the bill provides for the establishment of an administrative fee sufficient to pay for the costs to the Department to process a deemed application. However, the DPH believes that fee revenue should never be traded for the assurance of safety and quality that is accomplished during the course of a licensure inspection. Further, accreditation is very costly and may not be an option for all non-profits. Only non-profits that have significant resources would be eligible and able to undergo this process as it may cost thousands of dollars to apply and obtain such accreditation.

The Department has serious concerns about this proposal and respectfully asks the Committee to take no action on this bill. Thank you for your consideration of this information.